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TÜRKİYE VE IRAK'TAKİ KÜRT HAREKETİ VE BİLEŞENLERİNİN SELF DETERMİNASYON BAĞLAMINDA TEORİK BİR DEĞERLENDİRMESİ

ÖZET

Irak'ın kuzeyinde ki Bölgesel Kürt Yönetimi'nin kuruluş aşamasını, Irak'taki Kürt siyasal hareketi ve bileşenlerini, bölgede yaşayan Kürtler ile merkezi yönetim arasındaki yaşanan süreci ve merkezi yönetime karşı gelişen muhalefet hareketlerini, bölge ve bölge dışı ülkelerle kurduğu ilişkiler bağlamında ele almak gerekmektedir. Suriye, İran ve Irak'taki gelişmelerin seyrini iyi tespit edemezsek, ülkemiz de de oluşabilecek gelişmeleri Kürt siyasal hareketi ve bileşenleri bağlamında doğru kavrayıp yorumlayamayız. Ayrılcı hareketlerin bağımsızlıklarını elde etmek için başvurdukları yegâne yol ve yöntem terörün yanında, demokratik olarak başvurdukları ve gündeme getirdikleri self-determinasyon ilkesidir.

Orta-Doğu ve bölgemizdeki gelişmelere paralel olarak dört ülkeye dağılan Kürtlerin siyasal hareketlerinin ortaya çıktığı şartları, başvurduğu yolları ve siyasi taleplerini kabul ettirme metotları, birçok değişkene bağlı olmakla birlikte, genellikle bölgede çıkarları olan egemen devletlerin kontrolünde gelişmektedir. Bu çalışmada; Irak ve Türkiye'deki Kürt kimliğinin gelişmesi ve dış etkilerin Kürt siyasal hareketi ve bileşenleri üzerindeki etkilerini ortaya koymak ve bölgede gelişen Kürt hareketinin ülkemiz açısından etkilenebileceği ve bu etkinin nasıl önlenebileceği üzerinde durmaktır. Aslında sorulması gereken, bir insan bir devlette bir milletin üyesi olmadığı halde, bir vatandaş olamaz mı?

Anahtar Kelimeler: Kürt siyasal hareketi ve bileşenleri, Kürt kimliği, Türkiye, Irak'ın kuzeyi

IN A THEORETICAL ASSESSMENT OF SELF-DETERMINATION THE CONTEXT OF TURKEY KURDS IN IRAQ AND MOVEMENT AND COMPONENTS

ABSTRACT

The establishment phase of the regional Kurdish administration in the north of Iraq, the Kurdish political movement and its components in Iraq, the process between the Kurds living in the region and the central government and the opposition movements developed against the central government should be considered in the context of the relations it has established with the region and non-regional countries. If we do not determine the course of the developments in Syria, Iran and Iraq well, we cannot comprehend and interpret the possible developments in the context of Kurdish political movement and its components. The only way and methods of separatist movements to achieve their independence is the principle of self-determination that they apply and democratically as well as terror.

The conditions of the political movements of the Kurds, which have spread to four countries in parallel with the developments in the Middle East and our region, the ways they have applied and the methods of accepting their political demands, are subject to many variables, but they generally develop under the control of the sovereign states that have interests in the region. In this study; The development of Kurdish identity in Turkey and Iraq and the external effects of Kurds demonstrate political movements and their impact on the components and may be affected in terms of our countries developing the Kurdish movement in the region, and that is to stand on how to prevent the effect. The question is, even if a person is not a member of a nation in a state, can he not be a citizen?

Keywords: Kurdish political movement and its components, Kurdish identity, Turkey, Northern Iraq

1. INTRODUCTION

In addition to the self-determination of nations, internal self-determination is the achievement of the goals and goals of self-determination without considering any separation in democracy and the unity and solidarity of the society in which they live. The principle of self-determination is that nations determine their destiny as well as achieve self-determined goals and goals without considering any separation within democracy as internal self-determination and adhere to the unity and solidarity of the society in which they live. Since peoples' right to self-determination is perceived as a threat to the territorial integrity of countries directly or indirectly, they are not welcomed by the sovereign states for

fear of indivisibility of sovereign states and nations, and they do not tolerate such separations. As a result of the disintegration of the Union of Soviet Socialist Republics and the disintegration of Yugoslavia, the debates on the right to self-determination are now being debated among those who consider the right to be divided into any ethnic group, and those who advocate the preservation of the territorial integrity of the existing states at all costs. The principle of self-determination has been misunderstood in the sense of establishing an independent state, and since no common opinion has been formed by any of its predecessors, nation states have developed a negative attitude towards the right to self-determination. It is natural that nation states have a negative view of their right to self-determination. Particularly in the treaties, the definition of the public is very much debated due to the lack of clarity and its definition is ambiguous. However, some autonomies can be achieved by assimilating and internalizing democracy within the existing state without the peoples establishing a separate state. Various practices of self-management can also mean self-determination. But nation states as a general opinion are concerned that the ultimate goal of self-determination is to establish an independent state. Turkey separatist organizations struggling for decades for self-determination because they were the subject of a country should be much more controversial and closely followed developments in the region.

The lack of a consensus on the definition of self-determination and the principle of self-determination, in particular of which groups have the right to self-determination, leads to a change in practice from country to country and often to sanctions that do not permit national minorities to self-determination. International law has given all peoples the right to self-determination. However, it has led to uncertainty by not making a clear definition of the “people ve and at the same time securing the territorial integrity of the existing countries. It is generally accepted that people have the right to democratically determine their political status. But there is also a consensus on the protection of the territorial integrity of states. The aim of this study is to put forward the views that will eliminate the conflict between the principles of self-determination and the protection of the territorial integrity of our country and to contribute to the literature by clarifying this issue.

The PKK, an illegal organization founded in 1978 in the village of Fis, Lice district, started an armed struggle with the state in 1984. Since then, he has taken continuous actions and caused many people to die. After the capture of the leader of the separatist organization, Abdullah Öcalan, the organization needs to focus on the relationship between democratic autonomy and the right to self-determination which is filled with ambiguous explanations that it has made public. Turkey is the state suffered most from terrorism for decades. Both northern Iraq, the Kurdish Regional Government in northern Iraq created, both under the Cantonese name of local governments that are being implemented in the north of Syria seem likely to influence the debate in Turkey. Turkey has long been the common terrorist organizations that deal gave the list to enter the PKK and DHKP-C terrorist organization has been involved in the terrorist list. On April 16, 2002, the PKK changed its name to KADEK ”(Kurdistan Freedom and Democracy Congress). At a time when the EU to accelerate Turkey's attempts to enter the list of terrorist organizations has changed the name of an illegal organization. When the separatist terrorist organization changed its name, it was decided to include the PKK in the list of terrorist organizations in Brussels. The PKK, an illegal separatist organization, declared that they would continue their struggle on a democratic ground and stop their armed struggle as of April 16, 2002, after making a name change.

2. TWIN LAWS

A total of 31 articles, “Twin Laws”, were enacted and enacted by the AKP government during the Prime Minister's term. Adopted at the 1945 United Nations Convention on the (Charter of the) side of the Republic of Turkey, which was adopted in 1966 and entered into force in 1976, the "Twin Contracts" Economics also known by the name Civil and Political Rights and the International Covenant on Social and Cultural Rights It has consistently been forced to accept the relevant International Convention. The Republic of Turkey these contracts were signed on 15.08.2000. All articles of the twin laws conventions were adopted by the AKP government under the laws of 4867 and 4868 by the AKP government, which was the majority in the parliamentary session of the Grand National Assembly on 04.06.2003. The conventions, which were approved by the President of the time, Ahmet Necdet Sezer with the laws numbered 4867 and 4868, entered into force on 23.09.2003.

Twin laws are the laws signed by the Ecevit - Bahçeli - Yılmaz government in 2000, which are avoided from signing continuously for years. After being kept waiting for years, with the invasion of Iraq in 2003, the AKP government approved this law which would make our country in a difficult situation which makes the nation-state controversial and has been fighting the separatist terrorist organization for a long time. The content of these agreements has not been thoroughly discussed by academics, politicians, writers and illustrators of the printed and visual media. According to this convention, those who define themselves as people within a country have the right to self-determination. Logistics need the separatist group in Turkey, as well as intelligence and international forces that support financially self at the time engaged in "People" who say civil disobedience and you can start the process of conflict and they can in a difficult situation our country in the international arena. BDP co-chairman Demirtaş, "If our demands are not accepted, we will turn the square into a mess" and "according to the United Nations convention, we have the right to designate our own destiny" is evidence of this.

The twin laws ver allow peoples, denominations, those with different social backgrounds, to determine their own destiny. In other words, ethnic origins living in the signatory states can be separated and self-directed. Previously also it puts in front of Turkey, but the idea has not been approved will create a threat to the integrity of the state. Twin laws are laws that threaten the integrity of the state. In Nevruz, which was celebrated in Diyarbakır, a lot of disgrace has been experienced and clearly, a crime has been committed. This "law is more dangerous than thousands of bullets. It means that it cannot be obtained with a gun and has been made before the law and politics. This is the reason why the separatist terrorist organization is wanted to be persistently politicized. The essence of the word; Turkey, dividing the "twin laws" and brought into law on (www.tbmm.gov.tr).

ARTICLE-1

(1) All peoples have the right to self-determination. Pursuant to this right, the peoples freely decide their political status and ensure their economic, social and cultural development freely.

The Self-Determination Principle "the Peoples' right to determine their own futures" in the first article of both of the Twin Conventions has been the most debated article. This article has an ambiguous meaning since there is no general definition of the public. The Convention also covers the free exercise of fundamental rights and freedoms and the lawfulness of states. UN obligations under the laws of the Republic of Turkey from this contract (especially Articles 1 and 2) cause have accepted that it will fulfill its obligations in accordance with the framework. Finally, Article 90, paragraph 5 of our Constitution; "International treaties that are duly put into force have the force of law. They cannot be appealed to the Constitutional Court with the claim that they are in violation of the Constitution". As a result of certain conditions on the laws, the Constitutional Court may go to the Constitutional Court with the claim of unconstitutionality, while the Constitutional Court cannot go to the international treaties duly put into effect. Therefore, international treaties have given our law a place above the laws. In twin laws;

(2) All peoples may, for their own purposes, enjoy their natural wealth and resources freely, without prejudice to their obligations arising from international economic cooperation and international law based on the principle of mutual benefit. In no case can a people be deprived of their own means necessary for their survival.

(3) States Parties to this Convention, including those which are responsible for the administration of non-autonomous and custodian countries, shall facilitate and respect the realization of the peoples' right to self-determination in accordance with the provisions of the Charter of the United Nations.

It is called. Moreover, the TGNA, which ratified these agreements, does not have the opportunity to change the content of these agreements later. Furthermore, even in cases such as extraordinary wars, mobilization and martial law as stated in Article 15 of our Constitution, it was accepted that the "rights de contained in these conventions cannot be restricted. This agreement Located in a joint judgment, commissions and committees will be created within the UN, carrying out inspections in Turkey and are getting the opportunity to directly intervene in our internal affairs. Article 2 of the Conventions also guarantees these rights. Commit to respect these rights. It is not the nations but the peoples who have the right to self-determination, including separation, in these articles in which the state agrees to respect. On this occasion, actions that threaten the integrity of the country are provided with international

security. According to the 2nd option of Article 1 of the two contracts will be achieved by dividing the economic parts of the people of Turkey. Therefore, according to Article 2 of these approved agreements;

States which have not yet recognized the rights granted in the Convention in their legislation or practice and the Parties to this Convention undertake to take the necessary measures and other measures to implement the rights granted in the Convention in accordance with their constitutional procedures and the provisions of the Convention ".

There is no ordinary legislative activity, and these agreements, which are approved by the Turkish Grand National Assembly against Article 90 of the Constitution, will have the features of changing Turkish laws, will be accepted as part of the domestic law and, unlike the other laws, they will be accepted even in violation of the Constitution.

In short, these "Twin Laws" are laws that threaten our state and sovereignty. According to some politicians, 'people' corresponds to 'tribe'. It also includes ethnic groups that have not yet become a nation. Slovenia, Croatia, Bosnia and Herzegovina, Macedonia and Kosovo separated from Yugoslavia with the principle of Determination Self-Determination ". According to some politicians are faced with a big conspiracy Turkey. The concept of 'people' in twin conventions is an ambiguous definition and, as some jurists say, can only be applied to colonial peoples. Expressing this idea in the periods when the colonial states are concentrated on the world and applying it in these periods does not always mean that it will carry this purpose and will be implemented. The expression "all peoples tad reveals this. In what circumstances and conditions should be addressed and discussed here 'public' means and how the concepts and definitions will be given based on this concept and recognize the need to do what is desired from Turkey. Therefore, "The other articles of the Convention contain essentially positive provisions. In addition, Turkey "of the European Court of Human Rights" after accepting the jurisdiction and that the domestic law in a "return of the proceedings" after making lead does not pose danger for Turkey to approval of this agreement, "an approach does not reflect the reality in the form of (Soysal, 2003: 8-13).

It is doubtful that self-determination has become a rule of international law. With the introduction of the United Nations twin conventions (KSHS and ECSCR) in 1976, self-determination seems to have become a binding international rule of law; it can be assumed that this principle does not constitute a rule of law. It should also be noted that the legal nature and value of the documents regulating this principle constitute a separate problem. This is because the most important documents on this issue are not binding and received only by the UN General Assembly (Aral, 1999: 16-17). However, other states interpret them differently. As a result of the developments in Iraq since the 1990s, the Kurds, together with the support of the US, had a historical opportunity to form a state in the north of Iraq. So the Northern Iraq Regional Kurdish administration is trying to establish an independent state to achieve as strong sovereignty as possible. However, despite the independence of the referendum, he could not declare his independence. As a result of these developments, if an independent state is established here, this state should derive its legitimacy from the principle of self-determination. Because the states established throughout the 20th century have always been based on this principle. In fact, Kurds say that their desire for independence is based on this principle. But this principle has different meanings at different times. In particular, the independence of most of the states established during the UN period was based on external self-determination, which meant liberation from colonialism and foreign occupation. However, the concept has recently been interpreted more broadly and has been used in the sense of the right of separation for ethnic minorities. Although the international community does not explicitly embrace the self-determination of ethnic minorities, it recognizes the right of secession as an exception if internal self-determination cannot be achieved. Considering that the Kurdish people living in our country will be organized and aroused by international players, it is wondered what our Kurdish citizens will do in this situation. It is estimated that if we do not carefully follow the developments in the immediate vicinity of our border in recent years, we may encounter such demands in our country in the future. Statements such as "democratic autonomy" and "democratic autonomous regions that the Kurdish political movement and its components have made public point to these future developments. The focus of the discussions on autonomy, self-management and self-defence lies in the concept of self-determination.

The imperial states that have made account of the region have always considered the aim of establishing a state for Kurds scattered in four countries. However, it is not clear how the legitimacy of a Kurdish

state or Kurdish statism to be established in each country, the legal basis of its sovereignty, and whether the international community and the sovereign states in which the Kurds live will accept it. In other words, one of the most serious problems faced by a Kurdish state that will arise as a result of a possible separation will be its legitimacy. At the beginning of the 20th century, many separations took place with the dissolution of empires, the end of colonialism and the dissolution of socialist federations. The states which were born as a result of these separations based on the principle of self-determination and therefore justified have become recognized and recognized by the international community as a dominant and equal member of the community without facing the problem of legitimacy. However, in the same process, many movements struggling and struggling for separation for many years, again based on the principle of self-determination, were not accepted as legitimate. Even the independent states established by those who succeeded in separating them were sometimes not recognized by the international community. In other words, although they are based on the same principle, some separations are considered legitimate, while others are not.

As of today, it is not entirely clear what the source of legitimacy is for establishing a state, or even whether such a rule exists (Cassese, 1986: 134). The principle of nationalities, which has been accepted and adopted as a result of the ideology and movement of nationalism-nationalism since the 19th century and which indicates that each nation and every nation has the right to form an independent state, has become the main basis. However, because this concept is interpreted by some states on an ethnic basis, it has been abandoned after a while because it expresses a different meaning by each state (Eroğlu, 1991: 99-100). After the Second World War, the principle of "self-determination" was accepted as the main source of legitimacy. The principle of self-determination came into prominence since this principle, which was applied in nationalism and nationalist movements in the early periods, was applicable to all peoples and was a more comprehensive and comprehensive concept. For this reason, the principle of self-determination has been the most important basis of establishing a state for peoples and nations since the 20th century.

The reality of establishing a separate state is based on the principle of self-determination in the last century. As Bucheit points out, many separatist movements rely on the principle of self-determination in their claims for the legal right (Bucheit, 1978: 16-20).

3. MEANING OF SELF-DETERMINATION AND DEVELOPMENT PROCESS

Although it is in international documents, the definition of self-determination, which is not favoured by states due to its international balances and the existing structure, has different meanings in different periods (Arsava, 1981: 57). The first of these, internal self-determination, is that a community with certain common characteristics chooses the form of governance it wants without any external influence (Pomerance, 1982: 37). The history of the principle of self-determination can, therefore, be traced back to the French revolution of 1789. In fact, July 4, 1776, the American Declaration of Independence can be accepted as the first example. However, it is more appropriate to accept the French Revolution as the first example of internal self-determination since the idea of choosing the regime yan is seen here as well as the idea of independence (Oran, 2000: 73). Undoubtedly, internal self-determination is also meaningful for separate communities such as ethnic or national minorities or indigenous peoples within a country, and can generally find application within definitions such as democratic governance, cultural rights or autonomy (Alfredsson, 1993: 50-52).

The second meaning of the concept is external self-determination, where it means that a community with common characteristics living on a given land will come without being dependent on a foreign force and its international structure, in other words, to have its own state and sovereign rights. This meaning arises from a right of sovereignty which is pre-existing or believed to exist and points to the decision of the international status of the occupied or colonial peoples and thus their independence (Sönmezoglu, 2000: 530).

Self-determination began to be used externally within the framework of the Wilson Principles at the beginning of the 20th century. In the period of the League of Nations (LN), external self-determination, which was only used in the establishment of Czechoslovakia, Hungary and Poland (Şahin, 2000: 13), entered into international law with the United Nations (UN) Treaty. In Article 1 of Treaty "to develop friendly relations on the basis of respect for the principle of determination" is mentioned. Article 55 of

the law contains similar statements. While these statements show that the United Nations organization has adopted the principle of self-determination (not it's right), it is not clear about the "people" to act on this principle. However, it can be stated that the principle is desired to be applied in terms of "colonial peoples". This is evident when Chapter 9, which regulates international economic and social co-operation, which includes Article 55 of the UN Treaty, is taken together with Sections 11 and 12 concerning "Non-Mukhtar Places" and "Places under the Guardianship Regime". Article 73 states that states governing the countries (ie colonies) whose people cannot manage themselves yet, declare self-government there, and Article 76 states that the main objective of the guardianship system is to promote further development in the self-governance or independence. Therefore, in the United Nations system, the principle of self-determination which means theoretically "self-management of peoples" can only be applied to colonies and places under guardianship (Pazarıcı, 1993: 9). For this reason, countries such as Morocco, Tunisia and Algeria have stated their problems and problems within this framework and evaluated them within the framework of this principle in the General Assembly of the United Nations and as a result, they have tried to recognize the independence of the aforementioned countries.

The year 1960 was a historic milestone in the principle of self-determination of the nations that the United Nations accepted. In the United Nations General Assembly's Declaration dated 14.12.1960 and numbered 1514 (XV) on the granting of independence to countries and peoples under colonial rule, all peoples have the right to self-determination. and their cultural development "(Article 2). In addition, the declaration stated that "any attempt to partially or completely disrupt the national unity and territorial integrity of a country is incompatible with the aims and principles of the UN Treaty" (Art.6) (www.un.org). political and cultural rights, but no right to form an independent state. However, the declaration has made self-determination a "right" by removing it from the "principle" (Pomerance, 1982: 12-13; Şahin, 2000: 21). However, according to some jurists who adopt the conservative interpretation of this principle, it is stated that there is no such "right" granted to any community and such a right is a "moral slogan" (Sönmezoglu, 2000: 538).

After the events of the world after 1960, the United Nations General Assembly issued resolution 2160 (XXI) on 30.11.1966 and attached self-determination to the principle of not using force directly or indirectly (www.un.org). The United Nations Convention on Personal and Political Rights (KSHS) and the Convention on Economic, Social and Cultural Rights (ECHR) adopted in 1966 contain the right to self-determination; "All peoples have the right to self-determination. Through this right, peoples can freely determine their political status and pursue their economic, social and political development freely. All States parties to the Convention endeavour to realize their right to self-determination." As a result of the entry into force of these conventions in 1976, self-determination has become the norm of binding states law (Arsava, 1993: 34).

Self-determination means separation, but in the event of non-existent sovereignty, this right of separation means that an ethnic or national minority or people leave the state in which they live and form a new state. The ilk separatist self-determination çat is not accepted by the United Nations as it conflicts with the principle of territorial integrity and sovereignty of states. Nevertheless, today, the justification of the claims of separatist self-determination is discussed and questioned by associating it with self internal self-determination ve and even accepting it as a result. For this reason, this is the subject of discussion where new interpretations and debates about self-determination after the Cold War are concentrated (Kurubaş, 1992: 155).

3.1. Problems Related to Self-Determination

Some problems arise in terms of this principle: who is the people who will determine self-determination, whether this principle has the right to leave and how it is applied, whether this right has become a rule of international law covers the important problematic area.

Since the concept of "people" is not fully defined in international documents, many popular movements claiming to be oppressed and oppressed by the state they live in a claim that they struggle for national liberation based on this principle. Although it is accepted that the UN adopted this principle in terms of "peoples under foreign occupation, sovereignty or exploitation (Pomerance, 1982: 14-15), although there are normally very few such peoples today, this principle is more powerful than it used to be. As stated in the 1991 European Security Cooperation Council Moscow Document, the inclusion of some

new international documents makes the opinion that the application area of the country is wider. The important question that comes to mind, in this case, is who is the "public" and how it is described. None of the definitions made on this subject was satisfactory and could not be convened on common ground. The reason for this is that it is accepted that states can evaluate the definition of peoples within their countries differently, and that there may exist peoples in accordance with some definitions and that they will threaten the country, nation, unity, integrity and sovereignty of the states by claiming sovereignty and leave the states in a difficult situation.

In this respect; see the United Nations report (Critescu, 1981: 123), published in 1981 on what should be understood in general from the "people". In this report, the criteria for becoming a people are stated as follows. A separate culture, language or religion is a common sense of history, a commitment to maintaining social identity, and integration into a defined territory. It can then be said that ethnic groups, nations, or national or ethnic minorities have the potential to become populations and that in this context, a population of the state can be made up of different peoples. In other words, in order to enable these communities to have the right to self-determination as a nation In short, in order for a people to benefit from the principle of self-determination, the sovereign state or international community in which he lives requires acceptance, in other words, "recognition by the other" (Kirisci and Winrow, 1997: 54)

According to another view, in the framework of the application of the principle of self-determination, it is not possible to define a people that everyone can accept and agree on, and there are difficulties in identifying peoples from this principle, which causes the principle to be handled within the framework of human rights. The right to determine the existence of society requires the acceptance of the community in its jurisdiction (Arsava, 1993: 75). Crawford, on the other hand, reveals that the definition of people may change according to the purpose and situation (Crawford, 1988: 168-170). In addition, after 1980, this concept became an expression of "indigenous peoples" as well as colonial peoples, but it is still unclear whether ethnic groups are people or not.

Many ethnic groups base their separatist aspirations on the principle of self-determination and see this as a sub-step of achieving their independence. However, in order to realize the right of external self-determination, people must be seen in the colonial peoples' group. This right only applies to colonial peoples. It is seen that this principle causes morale and motivation besides psychological attractiveness for the peoples. External separations are not considered legitimate in terms of the UN system and are not supported in principle for the territorial integrity of states. This view of the UN is believed to be more fragmented, especially in multi-ethnic states where democracy is not fully established, and many states within the sovereign state will emerge and lead to instability. The fact that the principle of self-determination has internal and external meanings and the fact that these two begin to intertwine, interpreted and discussed has made this principle even more complicated in terms of application.

The main reason why the United Nations does not want to evaluate a new state within the framework of self-determination with the right to leave a state is the principle of the integrity of the state country adopted in international law. According to this statement, the territorial integrity of a state can only undergo changes that are legally valid with the consent of that state. Communities with different characteristics established in a state country cannot be allowed to disintegrate the state country solely on the basis of this element of difference. In other words, the fact that some communities, such as minorities living in parts of a country that are subject to general rules and which are not discriminated against, have different characteristics does not mean that they can be evaluated within the framework of the principle of self-determination in today's international law (Pazarıcı, 1993: 9-10).

In 1996, the Canadian government applied to the Supreme Court of Canada, asking whether Quebec was entitled to unilaterally by unilateral decision in accordance with the constitution and the law of the states. In such a case, the unilaterally expressing the wish of one of the peoples forming the federal unity why not. It is stated that a common decision of the whole society will be needed throughout the country. Moreover, since the Canadian constitution does not have any provisions on separation, it is stated that it is necessary to make a constitution allowing the separation of the constitution by convincing all the other states because it gives sovereignty to the Canadian people as a whole. In this case, according to the court, it is undeniable that the Quebecois, who are considered as separate people, try to negotiate and persuade others. In addition, the Court is required to automatically create this right to live under colonial and foreign pressure or foreign domination, or that some of the commentators stated that the

conditions for inability to carry out internal self-determination does not apply to Quebec, Canada's entire people, meanwhile, Quebecois and a constitution based on the principles of democracy, the rule of law and constitutionalism, respect for minorities and federalism, and that the territorial integrity of this state is recognized by the international community, which abolishes the right to leave Canada (Supreme Court of Canada, 1998).

It is inconceivable that the imperial states should be the observers of the interpretation of self-determination in terms of the right of secession and the disintegration of the countries. The fear that new and small states may lead to international and regional instability should not be forgotten. It is clear that the developed states will not be the spectators of this situation. Rather than being a new independent state based on this principle, it is important to interpret this principle in terms of democratization. On the other hand, many states that are subject to the principle of self-determination may want to implement a number of rights, such as regional autonomy, federation, a federated state, muhtarism, autonomy and self-government rather than disintegrating.

4. NORTHERN IRAQ KURDISH POLITICAL MOVEMENTS

There have been significant developments in Iraq from the Gulf War in 1991 to the intervention of the United States in 2003. Iraqi territories have been effectively divided into three and the sovereignty of the central authority has been largely taken over. With this development, the Kurds living in the northern part of the country established a parliament and government independent of the central authority in 1992 and declared them a "federated state". Thus, in addition to its parliament and government, an independent state-like ethnicity was formed with its army, flag, national anthem, central bank and passport office (Kurubaş, 2002: 134-138).

Since the structure of Iraq is not a federal state, it is not possible to talk about a federated state in the north of Iraq. There is no mention of a federated state in the northern part of Iraq, but the same aim is to bring the regional administration to the agenda. With the declaration of the regional administration, the Kurds tried to establish their legitimacy for future separation in the event that a federation state could not be established or the federated state to be dissolved in Iraq.

It can be said that as a result of the emergence of this federated state which will be legitimized and transformed into an independent state from Iraq, legalism will be based on some important points and grounds stated in the federated state declaration. Indeed, the statements of the "National Assembly of Iraqi Kurdistan" on 4 October 1992 declaring the "Federated State of Kurdistan" contain the basic points on which the sovereign rights and thus possible independence are based. After mentioning the international and national documents about the Kurds, "...the Kurdish people's right to self-determination and in accordance with international agreements, unanimously determine the fate of the Iraqi Kurdistan National Assembly and the democratic parliamentary system of relations with the central government and the multi-party, human rights respectful federal unity " (Dağlı, 1994: 97-100).

It is necessary to understand, examine, put forward and discuss the main arguments on which the Iraqi Kurds base their self-determination rights. It is very important to question the legitimate situations of separation in other states where the Kurds live.

Therefore, an important opinion is related to the fact that Kurds are "people" and therefore have "the right to self-determination." (Gunter, 1993: 302-303). The most important factor in the interpretation and implementation of self-determination is whether the Kurds are the people we and, since they are the people, the right to self-determination is really possible and necessary. This must be questioned.

It is necessary to see whether the Kurds are a "people" who can exercise this right. More specifically, there is no universally accepted definition of the people, so this uncertainty allows Iraqi Kurds to define themselves as people. There may be other main grounds for this. For instance, in the Provisional Constitution of 1958, it was stated that "Arabs and Kurds are common in the Iraqi homeland. Their national rights are recognized within the framework of Iraq", while in 1966 the Bazzaz government said that Iraq was a state consisting of two nations people "(Bilgin, 1992: 200).

There is no doubt that the international community also considers the Kurds as a people. In the United Nations Resolution 688, while mentioning the Iraqi people, Kürt Kurds ayrıca are also mentioned. However, in this expression, firstly, atf respect for the sovereignty of Iraq, territorial integrity and

political independence were referred to, and it was emphasized that being a separate community in this way did not inevitably lead to separate sovereignty and independence (Oran, 1998: 318-320).

Some argue that the Kurds are a people with the right to self-determination (Aral, 1999: 18). It is certain that there is no "nation" in the sense of the Kurds as a whole, which has a general will and loyalty and has realized a strong economic and political organization. In the aforementioned Critescu Report, the criteria for being a people included a separate culture, language or religion, a common sense of history, a commitment to maintaining social identity, and integration into a defined territory. Here, the most problematic area for Iraqi Kurds is the issue of commitment and language to maintain a social identity as a whole. Because it is seen that tribes constitute the basic social structure of the Iraqi Kurds, which prioritize the tribal identity, and in this sense, the sense of belonging and loyalty belongs to the tribe as a whole. In addition, the Iraqi Kurds are a polarized community around two leaders, one living in two separate regions, the Kurmanchi and the other Sorani dialects, Behdinan and Soran. It does not show complete integrity as it is (Bruinessen, 2003: 81-197). As Bruinessen puts it, nationalism has been a major source of motivation since 1920, but the commitment to leadership in the Kurds is above the general understanding of national interest. Even in the determination of the concept of Kürt Kurdishness, long periods were not agreed (Bruinessen, 2003: 391-392).

But that does not mean that they do not have the potential to become people. As a matter of fact, the Kurds formed parliament and government in 1992 by making elections in order to prove that there were unity and integrity between them. Ending the disputes between the two big parties KDP (Kurdish Democratic Party) and KYB (Patriotic Union of Kurdistan) (Özmen, 1996: 56-60), one leader became the President of Iraq and the other became the Head of the Northern Iraqi Regional Government after Saddam. In order to become a people, recognition by the "other" is an important condition. Although both the Iraqi government and the international community have recognized the Kurds as people today, it does not mean that every people has the right to external self-determination, including the right to secession. However, there is a fact that the principle of internal and external self-determination points to a legal basis for rights and nations to be separated from the sovereign state.

Years of domination by the Ottoman Empire and the rest of the sovereignty of Iraq and Turkey on the Kurdish political movement and its components refer to and see their loved treaty basis as is necessary to understand and interpret.

The Treaty of Sevres should not constitute a basis since it never entered into force (signed but not ratified) even for the Ottoman Empire. However, if it is claimed to be the basis, it cannot make sense again. Because of the treaty on "Kurdistan" 62-64. It was decided to establish an "autonomous Kurdistan" within the framework of the interests of the UK, which could be independent only after the fulfilment of certain conditions outside of Iraq (Meray and Olcay, 1977: 67-68).

It is important to note that the possible separation in northern Iraq is not the separation of one ethnic group, but rather the separation of particular geography that accommodates different groups. Although Kurds make up the majority in this geography (80%), they live with a significant number of Turkmens and Christian groups such as Assyrians and Chaldeans (Demirci, 1991: 29-30) whose cultural rights have been recognized by various laws such as the Iraqi Declaration in 1932 and the "Cultural Rights Package for the Minorities" in 1970. This is even more important given the US's efforts to include Mosul and Kirkuk in the Kurds' sovereignty after the 2003 Iraqi intervention. Therefore, in order for a possible separation to be legitimate within the framework of self-determination, the approval of these groups should be obtained, as stated in the Quebec decision of the Supreme Court of Canada. However, it is known that Turkmens especially oppose to leave Iraq and do not want to live in a separate Kurdish state. As a matter of fact, although the Christian groups participated in the elections held in Northern Iraq in 1992, the Turkmens opposed them (Mcdowall, 1996: 381-382). Strongly rejected post-Saddam efforts to establish a Kurdish-dominated local government in Mosul and Kirkuk with US support. In addition, the Arabs who make up Iraq are required for a legitimate separation. Neither Sunni nor Shiite Arabs approve this. In fact, these tendencies are evident both in the meetings of Iraqi dissidents before the intervention of the United States in 2003 and in the Provisional Governing Council of 25 people, which were formed after the intervention and represented by 5 people together with Sunni and Shiite Arab, Turkmens and Christians (Erkmen; 2003).

An administrative and regional autonomous administration has been established in the northern part of Iraq, where the majority of Kurds are currently, and there is a Regional Kurdish administration with legislative and executive bodies. However, the autonomous administration is an integral part of Iraq. On 25 September 2017, a referendum on independence was held, but the result could not be applied to the opposition of other powerful states alongside the regional states.

5. TURKEY KURDS POLITICAL MOVEMENT

Most feudal riots to show Turkey as an occupying colonial power to distort or national sheath dressed all kinds of centralization and modernization effort has been presented as racism and bullying. The objective is to create the conditions for secession from the UN General Assembly Resolution 2625, which does not embrace the whole population and has the right to external self-determination against states that do not have representative government. To this end, the PKK / KCK executives and the ethnic Kurdish political movement express their right to self-determination and thus seek to provide the legal basis for the establishment of an independent state in accordance with international law. However, the official policy of the Republican state was not the forced assimilation of the Kurds, but the civilization and modernization of all its citizens. The founders' nationalism project was to replace the religious community that the Republic inherited from the Ottoman Empire, rather than a homogeneous ethnic community, but a secular nation (Heper, 2008: 265).

Today, Kurds living in four countries are living under different administrations and conditions. Iraq, Syria, Iran and Turkey, referring to the policy will be valid for each common is not possible to talk about a solution plan. Turkey, the Middle East's only democratic country; does not give precedence to any ethnic category in its laws and regulations. The structuring of the state as a nation-state does not mean that the nation is based on an ethnic unit. The definition of Turkishness of the Constitution is expressed by the bond of citizenship. According to Article 66, anyone who is attached to the Turkish State with a citizenship bond is a Turk'. Atatürk's definition of Turkishness is no different from this provision. According to Atatürk; "Founded the Republic of Turkey to the people of Turkey called the Turkish nation." (Heber, 2008: 21).

The third group to which the UN and international law grant the right to self-determination are the peoples living under repressive, racist and coercive governments. There is no right to external self-determination against states governed by representative democracy that respects human rights. The right of self-determination and determination of political status, which is given to all peoples in the common first article of twin conventions, does not mean independence as Higgins expresses, but rather means the free choice of peoples by their own rulers (Pentassuglia, 2002: 306).

Cassese said that the possibility of such separation would be the case if the central government of an existing, sovereign state consistently refused to grant the right to participate in a public, a severe and systematic violation of the fundamental rights of the people concerned, and the absence of a peaceful settlement within the existing state structure. subject. According to the author, denial of the right of representation alone does not lead to a right of secession, but it is also necessary to exclude all means (such as application to judicial authorities) for a serious violation of basic human rights and a possible peaceful settlement within the existing state structure (Cassese, 1998: 112).

Similarly, Tomuschat states that, in the case of discrimination, the expression in the Declaration of Friendly Relations is conducive to supporting a claim of separation in the event of very exceptional and extreme conditions that can be summarized as a serious and serious violation of the human rights of a particular group. Doehring, who is of the opinion that the right to secession as a last resort can be used, states that not all forms of discrimination will legitimize separation, as all citizens are obliged to loyalty to their own states as a rule. According to Doehring, the right to leave may be excessive, especially if there is still the expectation that existing state authorities are ready to end discrimination, or if there is the possibility of protection by legal remedies and courts. The author acknowledges that such discrimination may be possible if the discrimination and oppression that is subjected by the sovereign state power reach the extent of severe human rights violations resorted to by cruel methods (Samancı, 2011: 252-316).

As can be understood from this assessment, to be able to speak of a right of departure;

- a) The central government has consistently refused to grant rights to a public,
- b) A serious and systematic violation of the fundamental rights of the people concerned;
- c) Elimination of the possibility of reaching a peaceful solution within the existing state structure
- d) Discrimination and oppression by the sovereign state power to the extent of cruel human rights violations,
- e) The means of legal protection should be obstructed and there is no hope of change.

A similar situation arises when an assessment is made in terms of curative rights theory. According to Buchanan, one of his most important advocates, it is only possible in three cases that a group has the right to leave: The first is that a state systematically applies economic or taxation policies to the detriment of a particular group. Second, a group's culture or co-existence is threatened with extinction by the state's forced assimilation policies. Finally, it is that state authorities do not protect the group when third party attacks threaten the presence of group members. In this case, the group may have the right to leave because it must defend itself (Buchanan, 1991: 39).

According to Nielsen, the physical survival of a community does not need to be threatened for the right to leave. It is sufficient that the cultural survival is threatened or the majority shows the will to leave (Nielsen, 1998: 265). Since Nielsen approaches the choice theory based on the will, the evaluations made from the perspective of the Theory of Remedial Rights are mostly based on Buchanan's views. The name of the Healing Rights Theory is the Just Cause Theory. It is also called by this name because it looks for a justifiable reason for the external SD. Nielsen's approach is unpopular because it has a casual approach and the potential for unlimited division.

These measures against any group in Turkey, it is not possible to say that the implementation of a regime of oppression and exclusion. Since the establishment of the Republic, T.C. Everyone who is a citizen has the right to political participation and has not been excluded from politics because of any group ethnicity. There are no serious and systematic human rights violations targeting an ethnic group, and despite all the incidents and incitement, the Kurdish problem has not spread from the military to the social sphere. the conflict in Turkey is not between two people clashing been mobilized against each other, unlike that in some other countries, where a conflict arises between a particular group of activating a working government organization (Fuller and Barkey, 2011: 259).

There has never been a different tax policy among the citizens of the state to the detriment of the Kurds. Policies towards nationalization and modernization are not aimed at destroying the ethnic culture of the Kurds; but, according to Heper (2008), rather at attempting to prevent a situation in which the Kurds' secondary identity becomes their primary identity. Since a third group does not have an attack on Kurds, it is not possible to talk about the conduct of the state governors not to protect the Kurds from these attacks.

One of the views of the Kurdish political movement to justify the demand for external SD is historical claims of rights. According to this claim, the Kurds are the indigenous people of the Southeast and the Turks are the colonialist and invading forces that came to the region later. As stated before, the Kurds since the late Malazgirt victory in this land and because of the Turks living in this geography than by Westerners during the Seljuk period *Türkomani* / Turkey is named. Scientific research shows that before the Seljuk conquest, Turks came to Anatolia in masses and changed the ethnic structure of the region to a great extent (Budak, 2008: 29).

Buchanan opposed the arguments of separatist groups for "historical rights" linked to such land demands. In this context; "How far back in history can it be necessary to back up a claim with historical justifications? Such an assertion can only be valid for the land that was recently seized by an occupying state with no right to land. Just as the annexation of the Baltic states of the Soviet Union." (Buchanan, 1991: 110-111).

Öcalan's demands in the prison process, which he first described as a democratic republic and then as democratic autonomy, are tactical moves made according to the conditions of the period. In İmralı, Öcalan (Özcan, 2014: 264), who stated that the PKK's strategic goal shifted from establishing a separate state to the sovereign oligarchic structure of the republic and aimed at a democratic solution within the

common state (Özcan, 2014: 264), was later revealed to be untrue in this discourse. In his defence, Öcalan returned to his old rhetoric after the death penalty was abolished (Öcalan, 1999: 63). He referred to the two-state federation by turning the solution process in favor of the organization and spreading the perception that the state had left the PKK to many parts of the east and southeast. From time to time, he tried to distract the state with the tactics of non-conflict, disarmament and the PKK's withdrawal and tried to gain time and recovery for the organization and to show that it was strong with the self-government declared in the region.

In the 7th Congress, which was convened in January 2000, the new strategy of the organization was determined as a democratic political struggle and it was decided to prepare a comprehensive peace project to release Öcalan and accelerate the efforts towards nationalization. During this period, the PKK established PYD, its extension in Syria, PÇDK, its extension in Iraq, PJAK, and continued its activities in Europe by expanding it (Bilsin, 2014: 3).

The organization made some changes in its ideology, strategy, tactics, methods of action and structuring in parallel with time, situation, national and international cyclical developments, KADEK in April 2000, KONRA-GEL in November 2003, Kurdistan Democratic Confederation In May 2007, it became the Kurdistan Peoples' Community (KCK). In this new formation, the PKK was transformed into a unit affiliated to KCK (Özcan, 2012: 49).

The organization, which chose the guerrilla war as a method for achieving the goal of united independent Kurdistan, has continued its activities, which started with August 15, 1984, Eruh-Semdinli raid for this purpose, with the exception of short chapters. However, this long-term popular war was not shaped by the PKK's ability and efforts, but by the political conjuncture of the region. Although Öcalan speaks of the objective of an independent united Kurdistan, the organization became the political instrument of cold war policies and then the countries of the region (Özcan, 2012: 169). What the Kurdish political movement in the region has been doing for many years now serves the regional interests of the imperialist powers, the energy policies, the security of Israel and the policies of the Middle East based on ethnic, religious and sectarian.

Organization documents, Turkey Although shown as a colonial state based on UN resolutions and international law, Turkey is not able to qualify as a colonial state. Because the UN's saltwater doctrine and non-contiguous criterion it refutes the character of a colonial state and makes it difficult to get results with this reason. Moreover, the fact that the per capita investments in the region are higher than the other regions makes it impossible to speak of an exploiting state. No practice separates Kurds and Turks and treats Kurds as second class people. As a matter of fact, in addition to the critics (Baskın Oran, Toktamış Ateş), some writers who closely follow the Kurdish political movement are in this direction. For example, Vahap Coşkun links some of the Kurds' Turkification to the fact that the Republic does not make ethnic discrimination (Coşkun, 2013: 60-90).

It is possible to say the same for foreign invasion. When the Turks came to this region, they did not encounter a Kurdish state. A small population living in small cities surrounded by strong walls and in the highlands, partly Armenian, partly Yezidi, partly Christian Assyrian and Assyrian ruins and the old Saka-Cenli and Oguz met with nomadic Turkish communities (Arvasi, 1998: 21). Today, the territory of the Republic of Turkey that the Council took from the Byzantines. This land since the 12th century to the name given to Turkomani / Turkey. Marco Polo who went to the East via Anatolia in the 14th century called this geography Turkomania and gave important information about the Turks living in Anatolia (Çay, 1994: 111).

6. RESULT

Separatist organization leader of the PKK, together with the jailed on Imrali has been delivered to Turkey / KCK in the ideological transformation of Marxist-Leninist thought of aberration, the nation state without giving discourses, ideological and political restructuring process Kurdish political movement in Turkey, trying to understand the basic dynamics of its components The arguments such as "democratic autonomy" he put forward need to be well calculated for political strategy and tactics.

The Kurdish political movement in Iraq has become one of the main arguments of the United States' Middle East policy. In our region, we want to implement the Kurdish statist project. The Kurdish

movement in Turkey can be deceptive addressing Unlike in Iraq. Developments in the Middle East are likely to affect Kurdish dynamics in the region. Iran in our region this occasion, Syria, Iraq and the Kurdish movement, the basic dynamics in Turkey, historical processes, how the formation of political tradition, good grip and parse the Kurdish movement in the four countries in doing so ideologically and politically from each other and look to historical factors and process that combines very importance It is.

At this point, it is not possible to say which way the Kurdish political movement in the region will evolve, how it will proceed and which states it will cooperate with, but when its processes are analyzed well, some can be predicted. Although the course of the Kurdish political movements depends on the steps taken by the states in which the Kurds live in the Kurdish policy changes, it should not be forgotten that the countries with interests in this region are related to the changes in the regional policies. As a multidimensional problem, the Kurdish problem remains one of the most important social issues of the sovereign states inhabited by the Middle East and the Kurds.

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